

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

080414Lf

ANGELA S. MORRISON,

Plaintiff,

vs.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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No. 14 cv 2002 EJM

ORDER

Plaintiff brings this action seeking judicial review of the Commissioner's denial of her application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§401 et seq. Briefing concluded July 30, 2014. The court has jurisdiction pursuant to 42 USC §405(g). Reversed and remanded for further consideration.

Ms. Morrison claims disability due to depression and anxiety. She asserts the ALJ failed to give sufficient weight to the opinion of the treating psychiatrist, M. A. Chowdhry, M.D., who treated plaintiff over years. Plaintiff alleges that the ALJ took certain facts out of context in order to avoid relying on the treating physician's opinion, and gave undue importance to certain data points that were not consistent with the record as a whole. Accordingly, plaintiff asserts that the Acting Commissioner's decision is not supported by substantial evidence as a whole on a sufficiently developed evidentiary record.

[R]eview of the agency decision is limited to whether there is substantial evidence on the record as a whole to support the [Commissioner's] decision. This requires [the court] to do more than merely parse the record for substantial evidence supporting the [Commissioner's] decision. [The court] also must consider evidence in the record that detracts from the weight of the decision. Substantial evidence is less than preponderance, but enough so that a reasonable mind might find it adequate to support the conclusion.

Robinson v. Sullivan, 956 F2d 836, 838 (8th Cir. 1992) (internal citations omitted).

Upon review, the court finds that the ALJ failed to afford adequate weight to the opinion of plaintiff's treating psychiatrist. On August 3, 2012, Dr. Chowdhry found that plaintiff had marked limitations in her ability in some areas, and extreme limitations in other areas, due to her anxiety and depression, and was thus under a disability. (Tr. 567-571)

The ALJ disregarded Dr. Chowdhry's assessment for two stated reasons, first, because he found that Dr. Chowdhry's notes included two instances of "[plaintiff] functioning well." It is true that the record includes these two notes, but the great weight of Dr. Chowdhry's and others' notes shows the opposite, that Morrison was not at all functioning well (see twenty eight instances of physician notes to the contrary cited in defendant's brief, pp. 16-18.)

The second stated reason why the ALJ disregarded Dr. Chowdhry's assessment was because of one Global Assessment of Functioning (GAF) score of 60, dated July 26, 2012. Tr. 21, 576. A GAF score is a clinician's rating of an individual's overall psychological, social and occupational functioning, on a scale of 0 to 100. A rating of 60 indicates moderate symptoms of moderate difficulty in social, occupational or educational functioning. American Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders*, p. 34 (4th ed. Text Revision 2000.) The Commissioner of Social Security has recently found that GAF scores are not a reliable rating, due to "great variability of training and experience levels amongst clinicians. These rating problems...can lead to improper assessment of impairment severity." Social Security Administration, Administrative Message (AM) AM-13066, Global Assessment of Functioning (GAF) Evidence in Disability Adjudication (July 23, 2013.)

Even assuming the accuracy of GAF scores generally, the July 26, 2012 score was just one of plaintiff's GAF scores, the great bulk of which were under 60 and support, not contradict, Dr. Chowdhry's assessment.

Date	TR	GAF
August 19, 2010	480	55
September 14, 2010	479	50
October 13, 2010	478	55
October 25, 2010	522	45
November 18, 2010	521	45
December 9, 2010	475	55
December 9, 2010	519	45
December 22, 2010	517	55
January 7, 2011	516	45
February 21, 2011	514	55
March 14, 2011	467	50
March 22, 2011	466	55
March 25, 2011	462	50
May 6, 2011	507	47
May 6, 2011	612	45
August 4, 2011	608	50
August 31, 2011	605	45-50
September 8, 2011	603	45-50
September 21, 2011	601	50
October 20, 2011	599	48
November 23, 2011	597	50
January 5, 2012	592	45
February 1, 2012	589	50
March 16, 2012	585	50
May 18, 2012	580	48
July 26, 2012	576	60

Taken as a whole, the record supports Dr. Chowdhry's limitations and does not support disregarding them. Pates-Fires v. Astrue, 564 F.3d 935 (8th Cir. 2009). If a treating medical expert's opinion is supported by the record, which it is in this case, it must be given controlling weight, i.e. it must be adopted. 20 C.F.R. §§ 404.1527(d)(2) and 416.927(d)(2); Kelley v. Callahan, 133 F.3d 583, 589 (8th Cir. 1998.)


Accordingly, on balance, the ALJ failed to give sufficient weight to the medical opinion of the treating psychiatrist, and his decision is not supported by the record as a whole. This matter shall be reversed and remanded for further consideration of the opinion of the treating psychiatrist and the remainder of the medical record.

It is therefore

ORDERED

Reversed and remanded for further consideration in accordance herewith.

August 4, 2014



Edward J. McManus, Judge
UNITED STATES DISTRICT COURT